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Attorneys for Plaintiff Menlo Logistics, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MENLO LOGISTICS, INC.,
a Delaware corporation,

Plaintiff,

v.

GAINEY TRANSPORTATION SERVICES, INC.,
a Michigan corporation,

Defendant.

Case No. 3:03-cv-02560 JSW

VOIR DIRE QUESTIONS

1 The parties respectfully request that this Court include the following inquiries of the jury
2 during its preliminary voir dire questioning:

3 **Jury History**

- 4 1. Has anyone served as a juror before?
- 5 a. If so, did you serve in connection with a criminal case or a civil case?
- 6 b. What was the issue in the case?
- 7 c. Did you and your fellow jurors reach a verdict? If so, what verdict did
8 you reach?

9 **Background**

- 10 2. Where do you live?
- 11 3. How long have you lived there?
- 12 4. Are you married?
- 13 5. Do you have children?
- 14 6. Did you attend college?
- 15 7. Did you get a degree past college?
- 16 8. Are you employed outside the home?
- 17 a. Where?
- 18 b. How long have you worked there?
- 19 c. What is your position?
- 20 9. Is your spouse employed?
- 21 a. Where?
- 22 b. How long have you worked there?
- 23 c. What is his/her position?
- 24 10. With respect to children:
- 25 a. Are any employed?
- 26 b. Doing what?

Relation to the Parties or Attorneys

11. Are you familiar with the Plaintiff, Menlo Logistics, Inc.?
- a. Do you or someone in your family work for Menlo Logistics or any company related to Menlo Logistics?
- b. Does anyone you know work for Menlo Logistics or any company related to Menlo Logistics? If so, who?
12. Menlo Logistics is represented by the law firm of Folger, Levin & Kahn.
- a. Is anyone familiar with Folger, Levin & Kahn?
- b. Do you or someone in your family work for Folger, Levin & Kahn?
- c. Does anyone know any lawyer that works for Folger, Levin & Kahn?
- d. Does anyone know anyone who is not a lawyer, but works for Folger, Levin & Kahn?
- e. Does anyone know the specific attorney working on this case?
- i. Drew Davis
- ii. Doug Sullivan
13. Are you familiar with the Defendant, Gainey Transportation Services, Inc.?
- a. Do you or someone in your family work for Gainey Transportation or any company related to Gainey Transportation?
- b. Does anyone know someone who works for Gainey Transportation or any company related to Gainey Transportation?
14. Gainey Transportation is represented by the law firm of Varnum, Riddering, Schmidt & Howlett, LLP from Grand Rapids, Michigan.
- a. Is anyone familiar with Varnum, Riddering?
- b. Do you or someone in your family work for Varnum, Riddering?
- c. Does anyone know any lawyer that works for Varnum, Riddering?
- d. Does anyone know anyone who is not a lawyer, but works for Varnum, Riddering?
- e. Does anyone know the specific attorneys working on this case?
- i. Kevin Rynbrandt
- ii. Adam Brody
- iii. Krista Hoekstra
- iv. Krista Taylor
15. Gainey Transportation is also represented by the law firm of Gordon & Rees.

- a. Is anyone familiar with Gordon & Rees?
- b. Do you or someone in your family work for Gordon & Rees?
- c. Does anyone know any lawyer that works for Gordon & Rees?
- d. Does anyone know anyone who is not a lawyer, but works for Gordon & Rees?
- e. Does anyone know the specific attorneys working on this case?
 - i. Stephen Brooks
 - ii. Jodie Feusner

16. Are you familiar with the Hewlett Packard?

- a. Do you or someone in your family work for Menlo Logistics or any company related to HP?
- b. Does anyone know someone who works for Menlo Logistics or any company related to HP?
- c. Does anyone have a connection to HP that is more than a customer?

17. During this trial, both sides will call witnesses. Does anyone know any of the following witnesses?

- a. Barry Haigh
- b. Andy Sievers
- c. Bruce Tourison
- d. Cameron Roberts
- e. Grant Keyser
- f. John Heil
- g. David Ortega
- h. Steven Keller
- i. Tim Kelly
- j. Daniel Lavetta
- k. Mitch Parsons
- l. Harvey Gainey
- m. Fernando Perez
- n. Steven Thomas
- o. Randy Giovanetti
- p. Brent Jordan
- q. Cecil Hall

Employment History

18. Are you currently employed?

- 1 a. Who is your current employer?
- 2 b. What are your job responsibilities?
- 3 c. How long have you been with that employer?
- 4 d. How long have you been at that position?
- 5 19. Is your spouse currently employed?
- 6 a. Who is his/her current employer?
- 7 b. What are his/her job responsibilities?
- 8 c. How long have he/she been with that employer?
- 9 d. How long have he/she been at that position?
- 10 20. Has anyone ever been employed in the trucking industry or employed in a way
- 11 that you dealt with the trucking industry?
- 12 a. What type of company did you work for?
- 13 i. As a shipper?
- 14 ii. As a broker?
- 15 iii. As a carrier?
- 16 b. What was your position?
- 17 i. As a truck driver?
- 18 c. What were your responsibilities?
- 19 d. Did you ever deal with the theft of a load of cargo?
- 20 e. Has any family member or close friend ever been employed in the
- 21 trucking industry or employed in a way that you dealt with a trucking
- 22 company?
- 23 i. If so, who?
- 24 ii. What type of company did this person work for?
- 25 iii. What was this person's position and responsibilities?
- 26 iv. Did this person work as a truck driver?
- 27 v. Did this person ever deal with the theft of a load of cargo?
- 28 21. Have you or any member of your family ever been employed in the security
- business?
- a. What type of company did you work for?
- b. What were your responsibilities?
- c. Did you establish security policies?

Theft

22. Have you or any member of your family ever been involved in a car or truck theft?

a. What were the circumstances?

23. Have you or any member of your family ever been involved with a shipment of products or cargo that was stolen?

a. What were the circumstances?

Litigation Experience

24. Have you or a member of your family been involved in a lawsuit? Has your employer or a member of your family's employer been involved in a lawsuit in which you or a member of your family were directly involved?

a. What type of lawsuit?

i. Was it criminal or civil?

b. Were you the Plaintiff or the defendant?

c. What was the case about?

d. What was the outcome?

25. Have you or a member of your family testified in a lawsuit?

a. What type of lawsuit?

i. Was it criminal or civil?

b. Were you the Plaintiff or the defendant?

c. What was the case about?

General

26. Will any of you be prejudiced against either party for any reason?

27. Do all of you understand that you should not make your decision in this case until you have heard all of the evidence presented by both parties?

28. This trial is expected to take three to five days. Does this present a substantial hardship for you? (If so, please explain.)

29. Do any of you have any hearing or vision impairments that may affect your ability to consider the evidence in this case? (If so, please explain.)

Disputes

30. Have you, or a family member ever been involved in a contract dispute?
- a. What type of dispute?
b. How was it resolved?
31. Have you or any member of your family ever been accused of negligence?
- a. If so, what were the circumstances?

RESPECTFULLY SUBMITTED

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
Attorneys for Defendant, Gainey Transportation Services,
Inc.

Dated: September 26, 2005

By: s/Kevin Abraham Rynbrandt

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Dated: September 26, 2005

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